

**UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MICHIGAN**

THE SHANE GROUP, INC., *et al.*,

Plaintiffs, on behalf of themselves
and all others similarly situated,

vs.

BLUE CROSS BLUE SHIELD OF
MICHIGAN,

Defendant.

Civil Action No. 2:10-cv-14360-DPH-
MKM

Judge Denise Page Hood
Magistrate Judge Mona K. Majzoub

**PLAINTIFFS' MOTION FOR PRELIMINARY APPROVAL OF
SETTLEMENT, CERTIFICATION OF SETTLEMENT CLASS, AND
RELATED RELIEF**

Pursuant to Federal Rule of Civil Procedure 23(e), Plaintiffs Michigan Regional Council of Carpenters Employee Benefits Fund, The Shane Group, Inc., Bradley A. Veneberg, Abatement Workers National Health and Welfare Fund, Monroe Plumbers & Pipefitter Local 671 Welfare Fund, and Scott Steele and Proposed Plaintiffs Patrice Noah and Susan Baynard (“Named Plaintiffs”) respectfully move this Court to (i) grant preliminary approval of the proposed Amended Settlement Agreement (attached to Plaintiffs’ memorandum in support hereof as Exhibit 1); (ii) certify the proposed Settlement Class; (iii) appoint the eight Named Plaintiffs as class representatives; (iv) appoint Interim Class Counsel as Class Counsel; (v) approve the form and manner of giving notice of the proposed Settlement to the Class; (vi) set a hearing date for final approval thereof (the “Fairness Hearing”); and (vii) grant such other relief as is requested in the accompanying memorandum and Proposed Order (attached to the Amended Settlement Agreement as Exhibit H). In support of this motion, Plaintiffs rely upon the authorities and arguments set forth in the accompanying memorandum.

Dated: October 11, 2016

Respectfully submitted,

/s/ Daniel A. Small

Daniel A. Small

Brent W. Johnson

**COHEN MILSTEIN SELLERS
& TOLL PLLC**

1100 New York Avenue, NW, Suite 500

Washington, DC 20005

Telephone: (202) 408-4600

dsmall@cohenmilstein.com

bjohnson@cohenmilstein.com

Daniel E. Gustafson

Daniel C. Hedlund

Daniel J. Nordin

GUSTAFSON GLUEK PLLC

Canadian Pacific Plaza

120 South Sixth Street, Suite 2600

Minneapolis, MN 55402

Telephone: (612) 333-8844

dgustafson@gustafsongluek.com

dhedlund@gustafsongluek.com

dnordin@gustafsongluek.com

E. Powell Miller

THE MILLER LAW FIRM, P.C.

950 West University Drive, Suite 300

Rochester, Michigan 48307

Telephone: (248) 841-2200

epm@millerlawpc.com

Fred T. Isquith

WOLF HALDENSTEIN ADLER

FREEMAN & HERZ LLC

270 Madison Avenue

New York, New York, 10016

Telephone: (212) 545-4690

isquith@whafh.com

Theodore B. Bell

WOLF HALDENSTEIN ADLER

FREEMAN & HERZ LLC

55 West Monroe Street, Suite 1111

Chicago, Illinois 60603

Telephone: (312) 984-0000

tbell@whafh.com

Interim Class Counsel

David H. Fink (P28235)
Darryl Bressack (P67820)
FINK + ASSOCIATES LAW
100 West Long Lake Rd, Suite 111
Bloomfield Hills, MI 48304
Telephone: (248) 971-2500
dfink@finkandassociateslaw.com

Interim Liaison Counsel

CERTIFICATE OF SERVICE

I hereby certify that on October 24, 2014, I electronically filed the *Memorandum of Law in Support of Plaintiffs' Motion for Final Approval of Settlement and Plan of Allocation* with the Clerk of the Court using the ECF, who in turn sent notice to counsel of record for all parties and for the Varum Objectors. Additionally, I served a copy of that document by first-class mail on each of the following individuals who have not registered with ECF:

Christopher Andrews
P.O. Box 530394
Livonia, MI 48152-0394

Scott Mancinelli
P.O. Box 3266
Holland, MI 49422-3266

Nicholas and Coralin Davelaar
405 Turrentine Way
Russellville, AR 72801

Cynthia S. Rock
18357 Levan Rd.
Livonia, MI 48152

Ronald D. Diebel
19177 Cheshire Street
Detroit, MI 48236

David VanDaele
9812 Ferder Road
Maybee, MI 49815

John M. Kunitzer
4328 Lakecress Drive East
Saginaw, MI 48603

/s/ Daniel E. Gustafson
Daniel E. Gustafson